

Debtor(s)

F 9021-1.2.BK.NOTICE.LODGMENT

Attorney or Party Name, Address, Telephone & Fax Numbers, and California State Bar Number Philip D. Dapeer (SBN 53378) Philip D. Dapeer, a law corporation 2625 Townsgate Road, Suite 330 Westlake Village, CA 91361 Tel: (323) 954-9144; Fax (323) 954-0457 PhilipDapeer@AOL.com <input type="checkbox"/> Individual appearing without counsel <input checked="" type="checkbox"/> Attorney for Movant	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Shahrokh Mosihri, Debtor(s).	CHAPTER: 13 CASE NO.: 14-bk-11209-MT DATE: March 26, 2014 TIME: 9:30 a.m. CTRM: 302 FLOOR:

**ORDER GRANTING MOTION FOR RELIEF FROM STAY
UNDER 11 U.S.C. § 362
(Unlawful Detainer)**

(MOVANT: John and Hildegard Tonzer as Trustees of the Tonzer Family Trust dated June 8, 2001)

1. The Motion was: ☒ Contested ☐ Uncontested ☐ Settled by Stipulation
2. This Order applied to the following residential or nonresidential real property (the "Property"):

Street Address: 18301-18313 Parthenia Street
Apartment/Suite no.:
City, State, Zip Code: Northridge, CA 91342
3. The Court orders that the Motion is granted under 11 U.S.C. § 362(d)(1) and (d)(2). The stay of 11 U.S.C. § 362(a) and the co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a), if applicable, (the "Stay") is/are terminated as to Debtor(s) and Debtor's(s') bankruptcy estate with respect to Movant, its successors, transferees and assigns ("Movant"). Movant may enforce its remedies to obtain possession of the Property in accordance with applicable non-bankruptcy law, but may not pursue any deficiency claim against the Debtor(s) or property of the estate, except by filing a Proof of Claim in this bankruptcy case pursuant to 11 U.S.C. § 501.
4. The Court further orders as follows:
 - a. ☐ Movant shall not cause the Debtor(s) to be locked out before the following date (*specify*):
 - b. ☐ The Stay is annulled retroactive to the petition date. Any postpetition acts taken by Movant to enforce its remedies to obtain possession of the Property shall not constitute a violation of the Stay.
 - c. ☒ This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
 - d. ☐ All provisions of this Order also apply to relief from the co-debtor under 11 U.S.C. § 1201 or § 1301, as applicable to the above-named co-debtor.

- e. ☒ The 14-day stay provided by Bankruptcy Rule 4001(a)(3) is waived.
- f. ☒ The provisions set forth in the Extraordinary Relief Attachment shall also apply (*attach Optional Form F 4001-10.ER*).
- g. ☐ See attached continuation page for additional provisions.

EXTRAORDINARY RELIEF ATTACHMENT (OPTIONAL)

Movant: John and Hildegard Tonzer as Trustees of the Tonzer Family Trust dated June 8, 2001

(This attachment is the continuation page for paragraph f of the foregoing Order)

Based upon evidence of efforts by Debtor or others acting in concert with Debtor to delay, hinder or defraud Movant by abusive bankruptcy filings, this court further orders as follows:

1. ☒ This Order is binding and effective in any bankruptcy case commenced by or against the Debtor for a period of 180 days from the hearing of the Motion.
2. ☒ This Order is binding and effective in any bankruptcy case commenced by or against any successors, transferees, or assignees of the above-named Debtor for a period of 180 days from the hearing of the Motion.
☐ without further notice.
☒ upon recording of a copy of this Order or giving appropriate notice of its entry in compliance with applicable non-bankruptcy law.
3. ☐ This Order is binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of the Motion.
☐ without further notice.
☐ upon recording of a copy of this Order or giving appropriate notice of its entry in compliance with applicable non-bankruptcy law.
4. ☐ This Order is binding and effective in any future bankruptcy case, no matter who the debtor may be
☐ without further notice.
☐ upon recording of a copy of this Order or giving appropriate notice of its entry in compliance with applicable non-bankruptcy law.
5. ☐ The Debtor is hereby enjoined from transferring all or any portion of the Property for a period of 180 days from the hearing of the Motion except as may be authorized by further order of this Court, and any transfer in violation of this Order is void.
6. ☒ The Sheriff or Marshal may evict the Debtor and any other occupant from the subject Property regardless of any future bankruptcy filing concerning the Property for a period of 180 days from the hearing of the Motion.
☒ without further notice.
☐ upon recording of a copy of this Order or giving appropriate notice of its entry in compliance with applicable non-bankruptcy law.
7. ☐ Other (specify):

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This form is OPTIONAL TO THE JUDGE and may only be used if the judge to whom the case has been assigned allows such extraordinary relief to be requested by motion. Many judges require the filing of an adversary proceeding to obtain some or all of these forms of relief.

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled: **ORDER GRANTING RELIEF FROM STAY** was entered on the date indicated as Entered on the first page of this judgment or order and will be served in the manner stated below:

1. **SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)** Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of March 27, 2014, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

Elizabeth (SV) F Rojas (TR) cacb_ecf_sv@ch13wla.com
United States Trustee (SV) ustpreion16.wh.ecf@usdoj.gov

☐ Service information continued on attached page

2. **SERVED BY THE COURT VIA UNITED STATES MAIL:** A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following persons and/or entities at the addresses indicated below:

☐ Service information continued on attached page

3. **TO BE SERVED BY THE LODGING PARTY:** Within 72 hours after receipt of a copy of this judgment or order which bears an Entered stamp, the party lodging the judgment or order will serve a complete copy bearing an Entered stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

Shahrokh Mosihri
852 Erbes Road
Thousand Oaks, CA 91362

☐ Service information continued on attached page

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
2625 Townsgate Road, Suite 330, Westlake Village, CA 91361.

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 3/27/2014, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Elizabeth (SV) F Rojas (TR) cacb_ecf_sv@ch13wla.com
United States Trustee (SV) ustregion16.wh.ecf@usdoj.gov

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On (date) 2/27/14, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Shahrokh Mosihri, 852 Erbes Road, Thousand Oaks, CA 91362

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

2/27/14
Date

Philip D. Dapeer
Printed Name

/s/ Philip D. Dapeer
Signature